GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
8100 Lindberg Bay, Ste. #61
Cyril E. King Airport, Terminal Building, Second Floor
ST. THOMAS, VI 00802
PHONE: (340) 774-3320, FAX: (340) 714-9549

This Territorial Pollutant Discharge Elimination System (TPDES) permit is issued in compliance with 12 V.I. CODE ANN. § 185 in accordance with the provisions of the Federal Water Pollution Control Act, as amended, (33 USC 1251 et seq.) (hereinafter referred to as "The Act").

WASTEWATER TREATMENT FACILITY WITHIN THE
VIRGIN ISLANDS WASTE MANAGEMENT AUTHORITY (herein referred to as the Permittee)
Parcel Nos. 3A and 4A Estate Bethlehem Middle Works, Kings Quarter, commonly known as ANGUILLA
St. Croix, VI 00850

The Permittee is authorized to discharge from a facility **located at the above address**, to the receiving waters listed in the table below, in accordance with effluent limitations and monitoring requirements and other conditions set forth in parts I and II hereof, including the collection system(s).

POINT SOURCE CATEGORY – DAS 40 CFR 133	*MUNICIPAL WASTEWATER* (STT) HOVENSA Subwatershed	*WWTF* *MAJOR TPDES Permit*

TPDES Permit No.	Wastewater Process	Disinfection	Mixing Zone Radius	RECEIVING WATER
VI0020036	Sequential Batch Reactor (SBR)	Ultraviolet	**400 feet with a depth of 35-45 feet**	Krause Lagoon, 8325 feet off shore at 17 deg. 42' 4" North and 64 deg. 47' 5" West **and Reuse Irrigation System** (*St. Croix Sea-Change Accord*)

FLOW (MGD)	Flow Proportional	Daily Maximum (24 hours)	Monthly Average (30 days)	Average Daily Flow (ADF) annually (365 days)
Outfall No. 001 **& 002 Reuse**	Total 24-hours	**8**	**5**	**4**

This permit shall become effective on November 1, 2009 and authorization to discharge expires October 31, 2014 with a renewal application date of May 1, 2014

Robert Mathes
Commissioner

9 22 09
Date

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit, the permittee is authorized to discharge from outfall serial number 001 (treated wastewater). Such discharge shall be limited and monitored by the permittee as specified in Tables below for receiving water classification B. All special conditions and notes apply. ~~No chlorine~~ is permitted for disinfection.

A. INTERIM ONSITE EFFLUENT LIMITATIONS --- TABLE 1 Outfall Serial Number: 001

LIMITS BASED ON PUBLICLY OWNED TREATMENT WORKS POINT SOURSE CATEGORY AND ALL USVI WATER QUALITY STANDARDS			Sequential Batch Reactor Wastewater Process	Ultra Violet Disinfection	***SAMPLE TYPES and FREQUENCY***		
	DISCHARGE CONCENTRATIONS LIMITATIONS						
Effluent Characteristic	DAILY MAX.	WEEKLY AVERAGE	MONTHLY AVERAGE	ADF or MINIMUM	SAMPLE TYPE	MEASUREMENT FREQUENCY	
FLOW (MGD)	*8**	N/A	*5**	*4**	Batch-based over 24 hours Total	Batch-based	
BOD_5 (mg./l)	N/A	45	30	85 PERCENT REMOVAL	Batch-based 24-hour Flow Proportional Composites	BI-WEEKLY	
TSS (mg/l)	N/A	45	30	85 PERCENT REMOVAL	~~Batch-based~~ 24-hour Flow Proportional Composites	BI-WEEKLY	
Phosphorous (mg/l)	N/A	N/A	N/A	N/A	Grab	TWICE PER MONTH	
Fecal Coliform (#/100ml)	N/A	**2000****	**1000****	N/A	Five (5) Consecutive Grabs	MONTHLY	
Enterococci (#/100ml)	N/A	N/A	N/A	N/A	Five (5) Consecutive Grabs	MONTHLY	should have numeric limit (BEACH Act)
Dissolved Oxygen (mg/l)	N/A	N/A	N/A	**See Note # 1**	Grab	DAILY	
Temp (°C)	N/A	N/A	N/A	N/A	Grab or continuous	DAILY	
pH (s.u.)	9	N/A	N/A	6	Grab or continuous	DAILY	

Effluent Characteristic	DAILY MAX.	WEEKLY AVERAGE	MONTHLY AVERAGE	MINIMUM	SAMPLE TYPE	MEASUREMENT FREQUENCY
Oil& Grease (mg/l)	**See Note # 1**	N/A	N/A	N/A	Grab	MONTHLY
Turbidity (NTU)	N/A	N/A	N/A	N/A	Grab	MONTHLY
Whole Effluent Toxicity (TUa) 96-hour acute toxicity testing using two species	**See Note # 2**	N/A	N/A	N/A	Grab	QUARTERLY
Gross beta (picocuries per liter	**See Note # 3**	N/A	N/A	N/A	Grab	QUARTERLY
Radium-226 (picocuries per liter	**See Note # 3**	N/A	N/A	N/A	Grab	QUARTERLY
Strontium (picocuries per liter	**See Note # 3**	N/A	N/A	N/A	Grab	QUARTERLY
Effluent Characteristic	DAILY MAX.	WEEKLY AVERAGE	MONTHLY AVERAGE	MINIMUM	SAMPLE TYPE	MEASUREMENT FREQUENCY

NOTES:

*For any maximum daily flow exceedence, rainfall must be reported in inches. Mass calculations may be used to demonstrate compliance with concentration levels.

**Bacteria shall not exceed the geometric (log) mean per 100 ml. by MF or MPN count. Five consecutive samples shall be collected.

1. **Dissolved oxygen, Oil and Grease:** Compliance plan shall be presented by the WMA one (1) year after effective date of permit to satisfy applicable standards. In the interim, the value which statistically has occurred 99% of the time during the last year will be the applicable interim limit. The permittee must submit within 90 days of the effective date

of this permit, a standard operating procedure (S.O.P.) for the grease handling process at the WWTP and within the collection system. This S.O.P. must cover how grease is to be received from haulers and the government, as well as private businesses (such as restaurants and resorts) or private citizens if applicable.

2. **Whole effluent toxicity:** Protocol to conduct the toxicity tests must be the same as in the TPDES application and use the following two species: Mysidopsis Bahia and Menidia beryllina. (Manual EPA-821-R-02-012 Fifth edition, pages 59-60 and 63-64 was specified in TPDES application for this permit.)

3. **Gross Beta, Radium and Strontium**; The permittee shall implement a quarterly monitoring program using the analytic method approved by EPA with the lowest possible detection level for a (1) year period after which they will be conducted annually. The monitoring program shall commence no later than thirty (30) days after the effective date of the permit. The results of the monitoring program shall be submitted to DEP and EPA-Region 2 no later than sixty (60) days of completion of the one year monitoring program. Based on the evaluation of the results obtained, DEP will determine if more frequent monitoring is necessary. In such a case the permit will be reopened to revise the monitoring frequency if considered necessary.

TABLE 2 below is provided as regulated parameters not as final limits.

A. REGULATED EFFLUENT LIMITATIONS AT THE EDGE OF THE MIXING ZONE --- TABLE 2

Outfall Serial Number: 001

LIMITS BASED ON PUBLICLY OWNED TREATMENT WORKS POINT SOURSE CATEGORY AND ALL USVI WATER QUALITY STANDARDS			Sequential Batch Reactor Wastewater Process	Ultra Violet Disinfection	**OCEAN OUTFALL** MIXING ZONE RADIUS: ***400 feet with a depth of 70 feet.***		
	DISCHARGE CONCENTRATIONS LIMITATIONS				**END-OF-PIPE**		
Effluent Characteristic	DAILY MAX.	WEEKLY AVERAGE	MONTHLY AVERAGE	ADF or MINIMUM	END-OF-PIPE LIMITS	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW (MGD)	***8****	N/A	***5****	***4****	***See left for max., monthly & ave.***	Batch-based	Batch-based over 24 hours Total
BOD_5 (mg/l)	N/A	45	30	85 PERCENT REMOVAL	**30**	BI-WEEKLY	Batch-based 24-hour Flow Proportiona Composites
TSS (mg/l)	N/A	45	30	85 PERCENT REMOVAL	**30**	BI-WEEKLY	Batch-based 24-hour Flow Proportiona Composites
Phosphorous (mg/l)	0.05	N/A	N/A	N/A		TWICE PER MONTH	Grab
Fecal Coliform (#/100ml)	N/A	N/A	70**	N/A		MONTHLY	Five (5) Consecutiv Grabs
Enterococci (#/100ml)	104	N/A	35**	N/A		MONTHLY	Five (5) Consecutiv Grabs
Dissolved Oxygen (mg/l)	N/A	N/A	N/A	5.5		DAILY	Grab
Temp (°C)	32	N/A	N/A	N/A		DAILY	Grab or continuous

pH (s.u.)	8.3	N/A	N/A	7	**6 minimum to 9 maximum**	DAILY	Grab or continuous
Effluent Characteristic	DAILY MAX.	WEEKLY AVERAGE	MONTHLY AVERAGE	MINIMUM	END-OF-PIPE LIMITS	MEASUREMENT FREQUENCY	SAMPLE TYPE
Oil& Grease (mg/l)	Non-Detect	N/A	N/A	N/A		MONTHLY	Grab
Turbidity (NTU)	3	N/A	N/A	N/A		MONTHLY	Grab
Secchi disc depth (meters)	N/A	N/A	N/A	1		MONTHLY	N/A
Whole Effluent Toxicity (TUa) 96-hour acute toxicity testing using two species –							
Mysidopsis Bahia and Menidia beryllina – same as application for permit	1	N/A	N/A	N/A		ANNUALLY	Grab
Gross beta (picocuries per liter	1000 with no Sr. 90 and alpha emitters	N/A	N/A	N/A		QUARTERLY	Grab
Radium-226 (picocuries per liter	3	N/A	N/A	N/A		QUARTERLY	Grab
Strontium (picocuries per liter	10	N/A	N/A	N/A		QUARTERLY	Grab

SPECIAL CONDITIONS

These special conditions shall be incorporated into the TPDES permit in order to satisfy the provisions of the Virgin Islands Rules and Regulations T. 12, Section 185 (f) and (h), and Section 301 (b) (1) (C) of the Federal Clean Water Act (PL 95-217):

1. *Onsite Sampling Points:* Samples taken in compliance with the monitoring requirements specified above shall be taken after the treatment process and prior to being discharged into the receiving waters at the diffuser ports. Onsite compliance sampling points must be identified and labeled with a minimum 18 inches by 24 inches sized sign. Also specify via labeling, if grab sampling point is different from composite sampling point.

Within ninety (90) days of the effective date of this permit, standard operating procedures (S.O.P.) must be submitted and available on-site for the ultraviolet (U.V.) disinfection system, to include any and all back-up systems of UV banks. The number and use of each U.V. bank must be included. Any and all uses of chemicals in the disinfection process must be identified in the S.O.P and recorded in a daily pre-numbered logbook. The maximum bacterial design level for effective UV disinfection must be included as well. The permittee must further include the manufacturer's recommended frequency of U.V. bulb changes as part of the S.O.P. package. A copy of the owner's manual along with an inventory of U.V. back-up parts and supplies, must be available on-site. Any level float sensors and their function in relation to the U.V. bulbs and banks must be explained in full. Standard operating procedures (S.O.P.) must be adhered to as provided. All malfunctions and maintenance activities associated with the units must also be recorded routinely each month and made available during inspections.

2. *Mixing Zone:* By authority of Title 12, Chapter 7, Section 186-5 (a) 1, 3, 4, 5 & 7 and 186-6(f) of the V.I. Rules and Regulations.

(a) The mixing zone shall be provided solely for mixing and is defined by a sphere with the outfall's last diffuser port as its center, and a maximum radius equal to the square root of the volume of discharge in million gallons per day (MGD) times 200 feet. Mixing must be accomplished as quickly as possible through the use of diffusers which insure the waste is mixed with the allocated delusion water. Maximum vertical dispersion of waste water discharge flow shall be provided for in the mixing zone and suspended solids in waste waters being discharged shall not settle in measurable amounts in the mixing zones.

(b) At the boundary of the mixing zone the water shall comply with all the water quality standards set forth for its classification. (The receiving waters are designated as Class "B" waters.)

No conditions shall be permitted to exist within the mixing zone, that are rapidly lethal (i.e. exceed the 96-hour median tolerance limit) to locally important and desirable indigenous aquatic life, or that prohibit planktonic organisms from being carried through the mixing zone. These organisms will be exposed to its conditions only for the period of time required to drift through the mixing zone and will survive without undue damage or stress while they are passing through.

(c) The center of the mixing zone of immediate dilution will be located at the last port of the outfall. Solids from wasterwater sources shall not cause deposition in, or be deleterious to, the existing or designated uses of the waters. The discharge shall not cause the growth or propagation of organisms that negatively disturb the ecological equilibrium in the areas adjacent to the mixing zone. The mixing zone shall be free of debris, scum, floating oil and any other substances that produce objectionable odors. The authorization for the mixing zone will not be transferable and does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of Federal or State laws or regulations.

(d) **Quarterly Mixing Zone Sampling:** The permittee shall provide the *quarterly* compliance sampling itinerary, which will become part of the permit, within 30 days of the effective date of the permit for the parameters listed in Table 2. (Before validation of the model used to simulate critical flow conditions for the parameters necessary to meet water quality criteria, no final effluent limitations to protect the integrity of the water body as a whole, will be established.) In the case of fecal coliform where the holding time is only 6 hours, the vessel must have on-board testing capabilities *or samples must be collected and returned to the analytical laboratory such that the holding times specified in 40 CFR 136 will be met.*

(e) **Dye Test:** The permittee shall conduct a dye study to verify the Critical Initial Dilution and the plume behavior within the mixing zone. The dye study shall be conducted within ninety (90) days after the written approval of the corresponding Protocol and Quality Assurance Project Plan (QAPP). Such Protocol and QAPP shall be submitted to DEP ninety *no later than* (90) days after the effective date of the permit. This study shall consist of at least one set of the required samples, as established in the QAPP for a complete sampling event. **Verification Coordinates**: To mark the edge of the defined mixing zone, a minimum of twenty five (25) points which will mark the perimeter of the sphere in the ocean shall be identified by longitude and latitude in geographic coordinates system, 00° 00' 00'' (degrees, minutes and seconds) in table format with a representative diagram. At least three (3) additional points anywhere beyond the perimeter of the mixing zone shall be identified for background measurements and included in the diagram.

(f) The permittee shall maintain in good operating condition the discharge system (discharge outfall [land and submarine], diffuser, ports, etc.). At least once a year, the discharge system shall be inspected to determine if some repairs, replacing, etc., on the discharge system is required. A report of such inspections shall be submitted to DEP not later than sixty (60) days after the performance of the inspection.

3. *Thermal Policy:* By authority of Title 12, Chapter 7, Section 186-5(c)&(e) of the V.I. Rules and Regulations.

(a) No heat may be added except in the designated mixing zone which would cause the temperature to exceed 90 degrees F., or which would cause the monthly mean of the maximum daily temperature at the site, prior to the addition of any heat, to be exceeded by more than 1.5 degrees F. Rate of temperature change outside the mixing zone shall not be more than 1 degree F per hour nor to exceed 5 degrees F. in any 24-hour period except when natural phenomena cause these limits to be exceeded.

4. *Monitoring, Recording and Reporting Schedule*: By authority of Title 12, Chapter 7, Section 189(a)(2) of the V.I. Rules and Regulations.

(a) The permittee shall submit annual reports no later than 30 days after the anniversary date of the permit. At a minimum, this report shall provide a summary of all process control data and an evaluation of the treatment process including use of process chemicals and backup systems in the operation of the POTW. The following must also be reported, but not limited to:

(1) any and all mechanical or computer malfunctions,
(2) any and all transportation of sewage from another POTW,
(3) any and all bypasses or exceedances of effluent limitations; subject to 40 CFR 123.45,
(4) any and all uses of chlorine or lime,
(5) any and all scheduled or completed construction of pump stations and pipelines leading to the facility,
(6) any and all accidents or OSHA safety violations at the plant,
(7) any use of back-up generators other than regularly scheduled maintenance; and any updated emergency plans including a revised contacts list in the event of flooding due to heavy rains or hurricanes,
(8) any inspections of equipment failures at pump stations which are part of the plant's collection system and any follow-up corrective actions taken; and
(9) any Whole Effluent Toxicity (WET) testing conducted showing appreciable 96-hour acute toxicity, including cause and reduction evaluation.

(b). *Sewage Sludge Requirements:* Sludge generated in this facility shall be disposed in a manner that complies with applicable provisions of the Regulation for the Control of Hazardous and Non-Hazardous Wastes and comply with the requirements of 40 CFR part 258 and 503, which requires preparers of sewage sludge to submit annual reports no later than February 19 of every year. A pre-numbered logbook shall be maintained for the material removed from the wastewater treatment system detailing the following items:

i.) removed material with date
ii.) approximate volume or weight
iii.) method of removal and transport
iv.) final disposal and location, and
v.) person that offers service
vi.) specific alternative used to identify class of sludge based on code of federal regulations (CFR)

vii.) sludge buffer zone in feet from nearest water body
viii.) landfill status with the U.S.E.P.A.
xv.) proximity in feet to nearest resident

The annual report required by 40 CFR Part 503, shall include the same information, specifically:

a. Amount of sludge generated, in dry metric tons.
b. Use or disposal practices.
c. Amount of sludge that goes to each use or disposal practice.
d. The name and address of the Municipal Solid Waste Landfill.
e. Results of the hazardous waste determination (per 40 CFR Part 261) conducted on the sludge to be disposed.
f. Results of the Paint Filter Liquids Test conducted on the sludge to be disposed.

The report shall be submitted to the the USEPA in NY and Puerto Rico. A copy of this report shall also be sent to the attention of David Alvaro Simon, Environmental Engineer III, Permit Administrator, DPNR-DEP, 8100 Lindberg Bay, Ste #61, Cyril E. King Airport, Second Floor, St. Thomas, VI 00802.

1. Reopener:

If an applicable "acceptable management practice" or numerical limitation for pollutants in sewage sludge promulgated under Section 405(d)(2) of the Clean Water Act as amended by the Water Quality Act of 1987 is more stringent than the sludge pollutant limit or acceptable management practice in this permit, or controls a pollutant not limited in this permit, this permit shall be promptly modified or revoked and reissued to conform to the requirements promulgated under Section 405(d)(2). The permittee shall comply with limitations by no later than the compliance deadline specified in the applicable regulations as required by Section 405(d)(2)(D) of the Clean Water Act.

2. Cause for modification.

40 CFR §122.62 (a)(1) provides that the permit may be modified but not revoked and reissued except when the permittee requests or agrees) where there are material and substantial changes or additions to the permitted facility or activity, including a change or changes in the permittee's sludge use or disposal practice, which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

3. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a Municipal Solid Waste Landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.

4. The permittee shall comply with 40 CFR Part 503. In accordance with 40 CFR Part 503.4, treatment works sending sewage sludge to a MSWLF shall meet the requirements of Part 258, that is, ensure that the sewage sludge is non-hazardous and non-liquid (ie., it passes the Paint Filter Liquids Test).

5. Sewage sludge shall be evaluated (*See below) for hazardous waste characteristics specified at 40 CFR Part 261 Subpart C. Sludge shall be tested after final treatment prior to leaving the POTW site. Sewage sludge determined to be a hazardous waste in accordance with 40 CFR Part 261, shall be handled according to RCRA standards for the disposal of hazardous waste in accordance with 40 CFR Part 262. The disposal of sewage sludge determined to be a hazardous waste, in other than a certified hazardous waste disposal facility shall be prohibited. If the sludge is determined to be a hazardous waste, EPA's Caribbean Environmental Protection Division (telephone no. (787) 729-6951) and DPNR-Division of Environmental Protection shall be notified within twenty four (24) hours. In addition, a written report shall be provided to EPA within seven (7) days of such determination. The report shall contain test results, certification that unauthorized disposal has not occurred and a summary of alternative disposal plans that comply with RCRA standards for the disposal of hazardous waste. The report shall be addressed to: Branch Chief, RCRA Compliance Branch, EPA Region 2, 290 Broadway, New York, New York 10007-1866. A copy of this report shall be sent to the Chief, Enforcement and Superfund Branch, Caribbean Environmental Protection Division , EPA Region 2, 1492 Ponce De Leon Avenue, Suite 417, Santurce, Puerto Rico 00907-4127. After the sewage sludge has been monitored for two years and if it has not been determined to be a hazardous waste, the monitoring frequency shall be once per year.

6. Sewage sludge shall be tested (*See below) in accordance with the method 9095 (Paint ~~Filter Liquids Test) as described~~ in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846). After the sewage sludge has been monitored for two years and has passed the paint filter tests, the monitoring frequency shall be once per year.

* **Monitoring Requirements**

Amount of Sludge (Dry Metric Tons per 365-day Period)	Monitoring Frequency
Less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Twice per year
Equal to or greater than 1,500	Once per quarter

****

5. **Reopener based on confirmation and sampling results:**

Based on model confirmation and sampling results, if an applicable regulated effluent limit in Table 2 is not demonstrated to be met at the edge of the mixing zone *or demonstrates reasonable potential to pollute*, making the water quality standard either more stringent or necessary to be monitored on-site, and the control of that pollutant is not limited by an interim value on-site or is less stringent, this permit shall be promptly modified or revoked and reissued to conform to those requirements promulgated in the Virgin Islands Water Quality Standards (2004). The permittee shall comply with all interim and final limitations as well as special conditions, by no later than the compliance deadlines specified in this permit and provide any other additional information incidental or necessary to achieve compliance.

If the permittee does not comply, initiate and complete the model verification and required sampling and reporting, within eighteen (18) months of the effective date of the permit, Table 2 limits will be considered final limits.

6. **The permittee must adhere to all mandated conditions of the St. Croix Sea-Change Accord. A copy is attached. Failure to do so is also a violation of this permit.**

ST. CROIX SEA-CHANGE ACCORD

The parties to this St. Croix Sea-Change Accord, which is a legally binding settlement agreement of the issues in Pugh v. Turnbull, Virgin Islands District Court Case No. 2005/0149, through their respective attorneys, are: Michelle Pugh, Edward Buckley, Molly Buckley, Edward Schuster, Sr., Robert Wesley, Margo Wesley, Elizabeth Scoggins, Sharon Prudoff, the St. Croix Ocean Defense Group, C.R.A.B.B., Inc., St. Croix Commercial Fishermen's Association, St. Croix Environmental Association, Inc., (collectively the "Plaintiffs"); Hon. John P. deJongh, Jr. (as successor to Hon. Charles W. Turnbull), Hon. Robert S. Mathes (as successor to Hon. Dean C. Plaskett), Darryl A. Smalls (as successor to Hon. George Phillips), V.I. Department of Public Works, V.I. Department of Planning and Natural Resources, V.I. Waste Management Authority (collectively the "GVI Defendants" or "the GVI")..

WHEREAS, pursuant to that certain Consent Decree entered in U.S. District Court Civil Action No. 1984-104 as amended in 1996, as later modified in December 2002, and as may be further modified (the "Consent Decree"), the Government of the Virgin Islands (GVI) is required to undertake and complete the construction and upgrade of two new Wastewater Treatment Plants (WWTP); one (1) each on St. Croix (the "Anguilla WWTP") and St. Thomas, and to place them into operation. In accord with the Consent Decree, the new WWTPs, when placed into operation, are to meet secondary (or better) treatment requirements rather than the primary treatment of effluents which now occurs at the currently operating WWTPs before discharge of the effluent into the ocean through existing outfalls. And,

WHEREAS, the GVI has completed construction of the Anguilla WWTP. And,

WHEREAS, the Anguilla WWTP is designed to, and after construction and acceptance testing, must meet the secondary treatment standards for publicly owned wastewater treatment facilities required pursuant to the federal Clean Water Act; 33 U.S.C§§1251,et seq. And,

WHEREAS, in addition to the construction or modification of the existing primary treated Anguilla WWTP to meet secondary treatment standards, the Anguilla WWTP has been designed and built incorporating an ultra-violet light ("UV") effluent disinfection system and a disk filter effluent filtration system which are add-on equipment and systems to the biological and mechanical Sequencing Batch Reactor ("SBR") treatment plant necessary to achieve tertiary sewage treatment. And,

WHEREAS, tertiary sewage treatment has been described as water treatment process which involves coagulation, flocculation, clarification, filtration, and UV disinfection. (Crites and Tchobanoglous-Small and Decentralized Wastewater Management Systems; McGraw-Hill Companies, Inc. 1998). And

WHEREAS, the end product of the tertiary treatment of sewage is the production of water that may be re-used ("re-use water") for irrigation of farmlands, golf courses, hotel ornamental foliage, and for other non-potable applications ("non-potable applications"), subject to applicable federal and/or local regulations regarding such re-use ("regulated re-use"). And,

WHEREAS, the plaintiffs' grave concern for the protection of the marine environment, specifically the extensive coral reef system near the location of the Anguilla WWT outfall pipe, which is the habitat of the elkhorn coral, the staghorn coral, the green sea turtle, and the hawksbill sea turtle (all listed as threatened or endangered species under federal and local law), as well as the recognition that St. Croix is constantly in need of water sources for irrigation, other land-based activities, and recharging of aquifers, prompted the plaintiffs to file a civil action in the Superior Court of the Virgin Islands for Declaratory and Injunctive Relief, which civil action was subsequently removed to the U.S. District Court for the Virgin Islands. And,

WHEREAS, the defendants denied the material allegations set forth in the complaint. And,

WHEREAS, the plaintiffs have by their suit and ongoing settlement negotiations with the Defendants sought to encourage the Defendants to secure all necessary and required permits for the construction and operation of the Anguilla WWTP; and sought to encourage the Defendants to install and operate such UV and disk filter systems as would result in the plant treating the effluent to tertiary treatment standards before discharge, or to consider alternative technologies to elevate the WWTP from secondary treatment mode to tertiary treatment.

WHEREAS, the modified treatment plant utilizes an "SBR" design, and with the additional UV and disk filter systems built in, the WWTP will be capable of improving the quality of the effluent from secondary to tertiary, thereby enabling its diversion for regulated re-use. And,

WHEREAS, the Plaintiff and the GVI Defendants agree that considering that the SBR system has been decided upon as the treatment mode for the Anguilla WWTP, and the UV and disk filter systems having been installed at the plant, that it would be in the best interest of the environment and the Territory of the Virgin Islands that the GVI provide, through prudent facility and regional planning, and subject to regulated re-use, such additional storage and on-site distribution systems at the facility, or adjacent thereto, as would make "re-use" water available for non-potable applications. And,

WHEREAS, the GVI Defendants have agreed to expend such sums for design and planning as are necessary to make tertiary treated re-use water available for non-potable applications, and for the installation of the necessary equipment on-site or adjacent thereto, so that interconnections may readily be made to transport such re-use water to other entities which may have a need for such a by-product for non-potable applications.

NOW THEREFORE IT IS HEREBY AGREED, by and between the parties hereto that the Defendants, jointly and separately to the extent specified below, shall undertake and perform the following activities and tasks as they relate to the Anguilla WWTP.

1. The GVI Defendants shall complete construction of the WWTP in accord with that certain contract entered into between VWNA Caribbean, LLC and the GVI on March 1, 2004, including construction to operational status of the disk filter and ultraviolet tertiary-treatment features.

2. The GVI Defendants shall diligently and without undue delay apply for and secure all Territorial and federal permits and approvals for the operation of the Anguilla WWTP in furtherance of the objectives set forth in the Consent Decree.

3. The GVI Defendants shall diligently and without undue delay undertake all necessary regional re-use facility planning, and execute contracts or contract modifications or amendments and secure all necessary approvals, in order to facilitate and authorize operation of equipment and devices, including the UV system and the disk filter system, in order to improve wastewater treatment at the Anguilla WWTP from secondary to tertiary treatment.

4.. The GVI Defendants shall, within eighteen (18) months from the date of the issuance of the Territorial Pollutant Discharge Elimination System ("TPDES") Permit, the application for which is currently pending before the Department of Planning and Natural Resources ("DPNR"), procure the design thereof and acquire the appropriate equipment at the Anguilla WWTP through which re-use water may be made available in conformance with applicable federal and/or local regulations regarding reuse, and with applicable design considerations and environmental planning, for distribution to the general public and businesses for non-potable applications, except that the distribution system for such re-use water shall not be installed except upon agreement with one or more entities as set forth in paragraph 7 hereof.

5. The GVI Defendants shall, within eighteen (18) months from the date of the issuance of the TPDES Permit, the application for which is currently pending before the

DPNR, construct or acquire storage facilities of sufficient capacity that a reliable source of re-use water may be stored therein.

6. The GVI Defendants shall, within eighteen (18) months from the date of the issuance of the TPDES Permit, plan the necessary steps and, upon agreement with one or more entities as set forth in paragraph 7, acquire, obtain usage rights, or construct all of the onsite or adjacent distribution systems and equipment necessary to provide a reliable source of re-use water for appropriate agricultural, development, and/or recreational uses.

7. The GVI Defendants, upon agreement with one or more entities, and upon the installation of the necessary ancillary off-site re-use water distribution systems and equipment and their connection to the WWTP, shall provide for the reliable availability of re-use water to such entities. The GVI Defendants shall, within eighteen (18) months from the date of the issuance of the TPDES Permit, execute all necessary contracts or contract modifications of amendments to implement the above.

8. The Defendant Department of Planning and Natural Resources ("DPNR") shall exercise its authority to review, consider, and to issue such permits and approvals as would permit the acceptance testing and operation of the Anguilla WWTP and the discharge of the effluent which has been treated to not less than secondary (or better) standards; provided, however, that the intent of this Agreement is that tertiary treatment be undertaken as soon as reasonably possible, and such secondary treatment shall be acceptable only on an interim basis, during such period of time as is reasonably required to implement tertiary treatment.

9. Within three (3) years from date of the issuance of the TPDES Permit, all sewage will be treated to a tertiary level at the Anguilla WWTP.

10. Within three (3) years from date of the issuance of the TPDES Permit, all storage, distribution systems and equipment necessary for the beneficial reuse of treated effluent shall be acquired, constructed, installed, and made fully operational.

11. After three (3) years from date of the issuance of the TPDES Permit, the application for which is currently pending before the DPNR, there shall be no discharge of any sewage, treated or otherwise, into the sea from the Anguilla WWTP.

12. The deadlines herein are presumptive, and may be extended for good cause shown, such as unforeseeable circumstances rendering timely performance impracticable, provided that Defendants have acted in good faith and with due diligence.

13. Nothing in this Settlement Agreement is intended to foreclose future consideration of alternative waste treatment technologies to be used in some combination with the SBR-UV-disk filter technology for the treatment of some part of the effluent, should the future combined or supplemental use of such alternative treatment technology appear efficient, effective, and economically beneficial.

14. At no time and under no circumstances shall any landfill leachate, or any other substance that originates or derives from any solid waste disposal facility, be introduced into the Anguilla WWT system, and at no time will any Defendant seek any type of permit for such activity.

15. The GVI Defendants and each of them shall proceed with diligence and good faith to accomplish all of the foregoing commitments and agreements as are applicable to each of them individually or jointly.

FOR AND IN CONSIDERATION of the promises, commitments and performance of the Defendants as set forth hereinabove, the Plaintiffs and each of them agree to the following:

1. The plaintiffs shall bear their own costs and attorneys fees associated with the prosecution of the first-above referenced proceedings (D.C. Civil No. 2005/0149), and the Superior Court Case in Civil No.SX-05-CU-497.

2. The Plaintiffs shall cooperate with the Defendants to ensure the construction and operation of the WWTP in compliance with the terms of the Consent Decree set forth in Civil No. 1984-104 as amended and modified.

3. The Plaintiffs shall cooperate with the Defendants and use their best efforts to identify, encourage and support applications from interested parties which may have need for "re-use water" to be produced by the Anguilla WWTP in tertiary treatment mode.

4. The Plaintiffs shall support and defend the Defendants' Application for a Territorial Pollutant Discharge Elimination System (TPDES) permit to operate the Anguilla WWTP in secondary (or better) treatment configuration as required under the Federal Clean Water Act; 33 USC §§1251, *et seq.*, the aforementioned Consent Decree, and regulations promulgated by the Department of Planning and Natural Resources and made applicable to the Anguilla WWTP. The Plaintiffs agree not to contest the draft TPDES permit for the Anguilla WWTP or any provision thereof, and also agree not to take any other action which would obstruct or delay the continued operation of the Anguilla WWTP, provided that the Application incorporates this Settlement Agreement by reference and is in all respects consistent with the terms of this Settlement Agreement, and provided further that there is at the time of the Application no uncured material breach of the Settlement Agreement.

5. The Plaintiffs shall support any supplemental applications which the Defendants may be required to submit to the Department of Planning and Natural Resources to operate the Anguilla WWTP in tertiary treatment mode.

6. The Plaintiffs hereby release and covenant not to sue Defendants or any of them, or any of their past or present directors, officers, employees, agents, shareholders, consultants, divisions, parents, subsidiaries, affiliates, predecessors, assignors or licensees, from and for any and all claims, demands, damages, judgments, actions, or causes of action, under any state, territory or federal law or the common law, including those laws and regulations that Plaintiffs rely on in their complaint in this litigation with respect to the permitting, construction or operation of the Anguilla WWTP; provided, however, that nothing herein shall be construed as a waiver of any rights arising under this settlement agreement.

7. This "St. Croix Sea-Change Accord" is a binding legal agreement enforceable at law and in equity, and the prefatory matters set forth herein are not merely recitations but are an integral part of the agreement, and shall be accepted as stipulated fact by the Court in the event of any action for enforcement of this agreement. The agreement shall remain enforceable as a contract in any Virgin Islands court of competent jurisdiction, if for unforeseen reasons the Virgin Islands District Court declines to exercise ancillary jurisdiction to enforce it.

8. The parties agree that upon execution hereof, Plaintiff shall file a motion for voluntary dismissal of the entire pending lawsuit, with prejudice, pursuant to Rule 41(a)(2), with the parties to bear their own costs and attorneys' fees, and shall further lodge with the Court an appropriate proposed judgment of dismissal, with prejudice, the parties to bear their own costs and fees, and otherwise in a form mutually agreed-upon, and the proposed Judgment shall provide that the Court shall reserve enforcement jurisdiction of this settlement agreement, in accordance with the rule of *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 378, 128 L. Ed. 2d 391, 114 S. Ct. 1673 (1994).

This **ST. CROIX SEA-CHANGE ACCORD** has been subscribed by the parties through their authorized representatives on the day and year set forth hereinbelow.

Edward L. Barry, Esq.
Hamm & Barry
Attorney for All Plaintiffs
5030 Anchor Way
Christiansted, VI 00820

December 4, 2007
Date

Vincent F. Frazer, Esq.
V.I. Attorney General
Attorney for Defendants
Government of the Virgin Islands,
Hon. John P. deJongh, Jr.
Hon. Robert S. Mathes
Hon. Darryl A. Smalls
V.I. Department of Public Works
V.I. Department of Planning
and Natural Resources

December 30, 2007
Date

Iver A. Stridiron, Esq.
General Counsel
Attorney for Defendant
V.I. Waste Management Authority

12/10/07
Date

7. **Prohibited Discharge Standards**

a. Pursuant to Section 307 of the Federal Clean Water Act and regulations promulgated thereafter at 40 CFR 403.5, the Permittee shall under no circumstances allow the introduction of the following pollutants into the POTW (publicly-owned treatment works):

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Farenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21 ;

2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the sewers, or other interference with the operation of the POTW;

4. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference in the POTW;

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment works exceeds 104°F (40°C) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

7. Pollutants which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(8). **Preventive Maintenance Program**

Within one hundred and twenty (120) days from the effective permit date, the permittee shall implement a Preventive Maintenance Program (PMP) for this wastewater treatment facility and its collection system (sewer lines and pump stations). Within ninety (90) days from the effective permit date, the permittee shall submit to DPNR-DEP for approval, a report detailing the PMP that will be implemented for the Facility. Once approved by DPNR, the PMP will become part of this permit.

The PMP shall include but not be limited to:

A. Wastewater Treatment Plant

1. Plant Tanks and Channels

Plant tanks and channels such as tanks drain, grit channels and wet wells structures, shall be drained and inspected at least once a year. All metal and concrete surfaces that come in contact with wastewater and covered surfaces exposed to fumes shall have the recommended protective coating. The coating shall be re-applied where necessary at each inspection.

2. Pumps

Pumps, motors and drives shall be oiled and greased in strict accordance with the ~~recommendations of the manufacturers. Mechanical seals and/or packing and~~ pumps impellers and bearings must be periodically inspected and repaired or replaced as necessary on each pumping unit of the facility. If two or more pumps of the same capabilities and purposes are in place and only one unit is necessary for duty work, the permittee shall alternate their use to equalize wear.

3. Electrical Control Panels

All electrical control panels shall be inspected at least twice per year to correct any inadequacies.

4. Valves

All valves shall be inspected and maintained in strict accordance with the recommendations of the manufacturer.

5. Sludge Lines

The permittee shall flush lines periodically with plant effluent or wastewater to avoid clogging.

6. Flow, pH, Dissolved Oxygen meters

The permittee shall verify the calibration of all these units periodically in order to maintain the accuracy and dependability of each unit. Standard Method procedures shall be used to verify the electronic equipment accuracy or margin of error. Daily calibration logs shall be kept to ensure that the meters are working accordingly during each shift of operation.

7. Belt Filter Press

Mechanical speed adjusters on press belt drives should be run through their full range of speed once a day in order to prevent grooving of the sheaves or conical drive disc. Belt press bearing blocks should be lubricated in accordance with belt press manufacturer's recommendations. Scheduled changing of gear box oils should follow manufacturer suggestions using the proper grade of oil. Periodic leak inspections of pneumatic and/or hydraulic systems for belt tensioning and overtravel adjustment are necessary. Belt wear at the edges indicates failure of the belt overtravel adjuster which should then be immediately fixed. Spray wash headers should be checked daily to ensure that all nozzles are discharging properly.

8. Generator Unit

The permittee shall inspect the battery charge status at least once a month or per manufacturer's recommendation, whichever is more stringent. The generator shall be tested at least once a week to verify its operation or per manufacturer's recommendation, whichever is more stringent. The permittee shall tune-up the generator at least semi-annually. The generator transfer switch shall be periodically inspected.

9. Mechanical Bar Screens

The permittee shall provide proper lubrication of all moving parts as recommended by the manufacturer. Rake guides shall be lubricated frequently to ensure smooth and quiet operation. The permittee shall periodically observe all moving mechanisms to determine if the components are free of obstructions, properly aligned, moving at constant speeds and producing no unusual vibrations. The chain of the bar screens tend to stretch from wear. Periodically, removal of a link may be necessary to ensure that the chain rides smoothly on the sprockets. To minimize equipment breakdown and maintain operational efficiency, parts observed to be badly worn require replacement. Chain drives require frequent replacement of chains, sprockets and other parts.

10. Grit Removal Mechanism

The following items should be checked regularly: gates; bolts on flights and elevator buckets, chains and sprockets; flights shoes and rails; collector screws; and shear pins. The underwater equipment and chain idler must be lubricated consistent with the manufacturer's lubricant and lubrication frequency recommendations.

11. Corrosion Control Program

The permittee shall implement a corrosion control program at this wastewater treatment facility. The program shall include periodic inspections of the plant's structures and equipments and an aggressive painting program. Under this program, the permittee shall develop an inspection schedule of all structures. This schedule shall be readily available at the facility.

12. Preventive and Corrective Maintenance Records

The permittee shall implement an equipment service computer program identifying each piece of equipment in the plant. Each file should have the equipment name on it, a description of the equipment with the manufacturer's name and/or supplier, the manufacturer's recommended maintenance service and make sure that all necessary inspections and services are shown. The equipment service file shall also have the date that the preventive and corrective work was done and the time required to complete the work. The name of the person or company who performed the work shall be included. The preventive and corrective maintenance record will be used to establish maintenance history of the equipments, diagnose problems and prevent equipment failure that may lead to permit violations.

13. Spare Parts Inventory

A central inventory of spare parts, equipment and supplies must be maintained and controlled by the facility's maintenance supervisor. The basis for the inventory shall be the manufacturer's recommendations, supplemented by specific, historical experience with maintenance problems, and requirements in accordance with the history in the preventive and corrective maintenance records. Inventoried supplies must be kept at levels sufficient to avoid process interruptions.

14. Ultra Violet Disinfection

The actual and maximum bacterial level for effective UV disinfection must be compared and explained if actual exceeds maximum design limit. The permittee must include the frequency of U.V. bulb changes. A U.V. back-up parts and supplies inventory must be provided on-site.

15. Aspirator

The aspirator operation and maintenance manual must be provided on-site.

B. Pump Stations

1. Pumps

Pumps, motors and drives shall be oiled and greased in strict accordance with the recommendations of the manufacturers. Mechanical seals and/or packing and pumps impellers and bearings must be periodically inspected and repaired or replaced as necessary on each pumping unit of the facility. If two or more pumps of the same capabilities and purposes are in place and only one unit is necessary for duty work, the permittee shall alternate their use to equalize wear.

2. Electrical Control Panels

All electrical control panels shall be inspected at least twice per year to correct any inadequacies.

3. Valves

All valves shall be inspected and maintained in strict accordance with the recommendations of the manufacturer.

4. Generator Unit

The permittee shall inspect the battery charge status at least once a month. The generator shall be tested at least once a week to verify its operation. The permittee shall tune-up the generator at least semi-annually.
The generator transfer switch shall be periodically inspected.

5. Bar Screens and Wet Wells

The permittee shall periodically clean the station bar screens and wet wells. Grease, rags, debris, etc. shall be removed periodically from the bar screens and wet wells in order to avoid equipment malfunction and/or raw sewage overflows from the stations.

6. Comminutors

The permittee shall periodically clean the comminutor(s) to avoid system stoppage. Lubrication of the equipment shall be provided as strictly recommended by the manufacturer.

7. Ventilators

The permittee shall annually disassemble the units and check the frame, cover and damper for rust or corrosion, clean with solvent and paint if needed. The permittee shall check that the vibration damper and springs are operating freely. The motor shall be lubricated according to manufacturer's recommendations. The permittee shall check for worn or frayed electrical wires and replace wires as necessary. Removal of the ventilator for service requires the substitution of an equivalent ventilation blower to maintain adequate ventilation.

8. Diesel Tank

The permittee shall periodically inspect the diesel tank for possible leaks. If the diesel tank does not have secondary containment, the permittee shall construct one for the tank.

9. Corrosion Control Program

The permittee shall implement a corrosion control program at this wastewater treatment facility's pump stations. The program shall include periodic inspections of the plant's structures and an aggressive painting program. Under this program, the permittee shall develop an inspection schedule of all structures. This schedule shall be readily available at the stations.

10. Preventive and Corrective Maintenance Records

The permittee shall implement an equipment service computer program identifying each piece of equipment in the plant. Each file should have the equipment name on it, a description of the equipment with the manufacturer's name and/or supplier, the manufacturer's recommended maintenance service and make sure that all necessary inspections and services are shown. The equipment service file shall also have the date that the preventive and corrective work was

done and the time required to complete the work. The name of the person or company who performed the work shall be included. The preventive and corrective maintenance record will be used to establish maintenance history of the equipments, diagnose problems and prevent equipment failure that may lead to permit violations.

C. Sewer Lines

The permittee shall implement a sanitary sewer line maintenance program. The sanitary sewer line maintenance program shall include a descriptive map of this wastewater treatment facility's sanitary sewer system, frequency of periodic maintenance with the street maps, numbers of staff persons to be assigned, and the equipment that will be used and a description of the maintenance procedure. A copy of the sewer line maintenance program shall be kept at the facility.

B. MONITORING AND REPORTING REQUIREMENTS

1. Monitoring and records. See Part II.B.10.

2. Discharge Monitoring Reports.

a. See Part II.B.12.d.

b. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320_1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on the effective date of the permit (EDP) +28 days. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and to the Commissioner of DPNR/DEP at the following addresses:

Regional Administrator
USEPA Region II
290 Broadway
New York, NY 10007-1866
Attn: Permits Admin. Branch

Commissioner
Dept. of Planning & Natural Resources
8100 Lindberg Bay, Ste. #61
Cyril E. King Airport, Terminal Bldg, 2nd Fl.
St. Thomas, V.I. 00802
Attn: Director, Division of
Environmental Protection

3. Quality assurance practices. The Permittee is required to show the validity of all data by requiring its laboratory to adhere to the following minimum quality assurance practices:

a. Duplicate[1] and spiked[2] samples must be run for each constituent analyzed for permit compliance on 5% of the samples, or at least on one (1) sample per month, whichever is greater. If analysis frequency is less than one (1) sample per month, duplicate and spiked samples must be run for each analysis.

b. For spiked samples, a known amount of each constituent is to be added to the discharge sample. The amount of constituent added should be approximately the same amount present in the unspiked sample, or must be approximately that stated as maximum or average in the discharge permit.

c. The data obtained in 3. a. above shall be summarized in an annual report submitted at the end of the fourth quarter of reporting in terms of precision, percent recovery, and the number of duplicate and spiked samples run.

d. Precision for each parameter shall be calculated by the formula, standard deviation $s = (\Sigma D^2/2K)^{1/2}$, where "D" is the difference between duplicate results, and "K" is the number of duplicate pairs used in the calculation.

---

[1] **Duplicate samples are not required for the following parameters: Color, Temperature, Turbidity.**

[2] **Spiked samples are not required for the following parameters listed in Table 1 of 40 CFR 136: Acidity, Alkalinity, Bacteriological, Benzidine, Chlorine, Color, Dissolved Oxygen, Hardness, pH, Oil & Grease, Radiological, Residues, Temperature,.Turbidity. Procedures for spiking samples and spiked sample requirements for parameters not listed on the above referenced table are available through EPA's Regional Quality Assurance Coordinator.**

e. Percent recovery for each parameter shall be calculated by the formula R = 100 (F_I)/A, where "F" is the analytical result of the spiked sample, and "I" is the result before spiking the sample, and "A" is the amount of constituent added to the sample.

f. The percent recovery," R", for each parameter in 3. e. above shall be summarized yearly in terms of mean percent recovery and standard deviation from the mean. The formula, s = $[\Box(x^{-})^2/(n\_1)]^{1/2}$, where "s" is the standard deviation around the mean "", "x" is an individual recovery value, and "n" is the number of data points which shall be applied.

g. The Permittee or his contract laboratory is required to annually analyze an external quality control reference sample for each pollutant. These are available through the Regional Quality Assurance Coordinator, Region II, U.S. Environmental Protection Agency, Edison Environmental Laboratory, Edison, New Jersey 08817.

h. The Permittee and/or his contract laboratory is required to maintain records of the specific analytical methods used, including options employed, if any, within a particular method, and of reagent standardization and equipment calibration operations.

i. If a contract laboratory is utilized, the Permittee shall submit the name and address of the laboratory and the parameters analyzed at the time it submits its discharge monitoring reports (see Section B.2.b. above). Any change in the contract laboratory being used or the parameters analyzed shall be reported prior to or together with the monitoring report covering the period during which the change was made.

C. OTHER REQUIREMENTS

1. N/A.

2. N/A.

a. N/A.

3. N/A.

4. Alterations. There are material and substantial changes or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

5. Monitoring.

a. N/A.

b. N/A.

c. N/A.

6. Twenty_four hour reporting.

a. The Permittee must report violations of maximum daily discharge limitations in accordance with the reporting requirements set forth in Part II.B.12.f. (twenty-four (24) hour reporting followed by five (5) day written submission).

7. Additional reporting requirements. The Permittee shall notify the Regional Administrator and Commissioner as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 □g/l); or

(2) Two hundred micrograms per liter (200 □g/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 □g/l) for 2,4_dinitrophenol and for 2_methyl_4,6_dinitrophenol; and one milligram per liter (1 mg/l) for antimony; or

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

(4) The notification level, if any, established by the Commissioner in the permit.

b. That any activity has occurred or will occur which would result in any discharge, on a non_routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 □g/l); or

(2) One milligram per liter (1 mg/l) for antimony; or

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or

(4) The notification level, if any, established by the Commissioner in the permit

c. *Compliance Schedule*: N/A

DEFINITIONS

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

2. "Average weekly discharge limitations" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

3. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.

4. "Composite" means a combination of individual (or continuously taken) samples obtained at regular intervals over the entire discharge day. The volume of each sample shall be proportional to the discharge flow rate. For a continuous discharge, a minimum of twenty-four (24) individual grab samples (at hourly intervals) shall be collected and combined to constitute a 24_hour composite sample. For intermittent discharges of more than four (4) hours duration, grab samples shall be taken at a minimum of thirty (30) minute intervals.

5. "Commissioner" means the Commissioner of the Department of Planning and Natural Resources or his duly authorized representative.

6. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24_hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharge over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of pollutant over the day. For purposes of sampling, "daily" means an operating day or 24_hour period.

---

7. "Discharge Monitoring Report" or "DMR" means the EPA uniform national form, including any subsequent additions, revisions, or modifications, for reporting of self monitoring results by Permittees.
8. "Grab" means an individual sample collected in less than fifteen (15) minutes.

9. "Gross" means the weight or concentration contained in the discharge. (Unless a limitation is specified as a net limitation, the limitation contained in this permit is a gross limitation). .

10. "Maximum daily discharge limitation" means the highest allowable "daily discharge".

11. "Monthly" means one day each month (the same day each month) and a normal operating day (e.g., the 2nd Tuesday of each month).

12. "Net" means the amount of a pollutant contained in the discharge measured in appropriate units as specified herein, less the amount contained in the surface water body intake source, measured in the same units, over the same period of time, provided:

    a. The intake water source must be drawn from the same body of water into which the discharge is made; and

b. In cases where the surface water body intake source is pretreated for the removal of pollutants, the intake level of a pollutant to be used in calculating the net is that level contained after the pretreatment steps.

13. "Regional Administrator" means the Regional Administrator of Region II of EPA or the authorized representative of the Regional Administrator.

14. "Severe property damage" means that substantial physical damage to the treatment facilities which would cause them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

15. "Toxic pollutant" means any of the pollutants listed in 40 C.F.R. 401.15 (45 F.R. 44503, July 30, 1979) and any modification to that list in accordance with Section 307(a)(1) of the Clean Water Act.

16. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology_based effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

17. "Weekly" means every seventh day (the same day of each week) and a normal operating day.

18. "TPDES Permit Administrator" means the author of this permit.

B. GENERAL CONDITIONS

1. Duty to Comply

a. The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Environmental Laws and Regulations of the Virgin Islands and Federal Clean Water Act and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or the denial of a permit renewal application.

b. The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Federal Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not been modified to incorporate the requirement.

c. (1) Title 12, Section 190 of the Virgin Islands Code, Water Pollution Control Act provides that any person who violates any permit condition is subject to a civil penalty not to exceed $50,000 per day of violation. Any person who willfully or negligently discharges pollutants in violation of any condition or limitation included in a permit; or violates requirements of 12 V.I.C. Section 189; or with respect to introductions of pollutants into publicly owned treatment works, violates a pretreatment standard or toxic effluent standard, shall upon conviction , be punished by a fine not less than $5,000 per day of violation. If the conviction is for a violation committed after a first conviction of the person under this subsection, punishment is by a fine of not more than $100,000 per day of violation. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documents filed or required to be maintained under this chapter or by any permit, rule, regulation or order issued under the Act, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or ~~method required to be maintained under the Act, shall upon conviction, be~~ punished by a fine of not more than $10,000 or by imprisonment for not more than six (6) months or both.

(2) The Clean Water Act, Section 309(c) provides that any person who violates a permit condition implementing Section 301, 302, 306, 308, 318, or 405 of the Clean Water Act is subject to civil and criminal penalties which in several of its provisions exceed those imposed under the Virgin Islands Water Pollution Control Act.

2. Duty to Reapply. This permit and the authorization to discharge shall terminate on the expiration date indicated on the first page. In order to receive authorization to discharge after the expiration date of this permit, the Permittee must file for reissuance at least one hundred and eighty (180) days prior to the permit's expiration.

3. Need to Halt or Reduce not a Defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back_up or auxiliary facilities or similar systems, installed by the Permittee, when the operation is necessary to achieve compliance with the conditions of the permit.

6. Permit Actions.

a. This permit may be modified, revoked and reissued, or terminated during its term for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

b. Causes for modification, revocation and reissuance, and termination are set forth in 40 C.F.R. 122.62 and 122.64, and 185(i) and 12 V.I.R.&R. Subsection 184_34(e) and 184_51.

(1) Specified causes for modification, revocation and reissuance, and termination include:

(a) Noncompliance by the Permittee with any condition of the permit;

(b) The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the Permittee's misrepresentation of any relevant facts at any time;

(c) A determination that the permitted discharge endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

(d) There is a change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit.

(2) Specified causes for modification and, upon request or agreement of the Permittee, revocation and reissuance of the permit include material and substantial alterations or additions to the Permittee's operation which occurred after permit issuance and which justify the application of permit conditions that are different or absent from this permit,
(e.g., production changes, relocation or combination of discharge points, changes in the nature or mix of products produced) provided the reconstruction activities do not cause the new source permit issuance provisions of 40 C.F.R. 122.29 to be applicable.

c. With the exception of permit modifications which satisfy the criteria in 40 C.F.R. 122.63 and V.I.R.&R. Section 184_51(c) for "minor modifications" the applicable procedures required by 40 C.F.R. Part 124 and 12 V.I.C. Section 188(c) shall be followed before this permit is modified, revoked, reissued or terminated. Notice and opportunity for hearing are as provided under T. 12 V.I.C. Sections 188 (b) and (c).

7. Property rights. The issuance of this permit does not convey any property rights or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of Virgin Islands laws or regulations.

8. Duty to provide information. The Permittee shall furnish to the Commissioner within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.

9. Inspection and Entry. The Permittee shall allow the Regional Administrator, the Commissioner, or any other authorized representative(s), upon the presentation of credentials and other documents as may be required by law, to:

   a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

   b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

   c. Inspect at reasonable times any facilities, equipment(including monitoring and control equipment), practices, or operations regulated or required under this permit; and

   d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Environmental Laws and Regulations of the Virgin Islands and the Clean Water Act, any substances or parameters at any location.

10. Monitoring and Records.

   a. ~~Samples and measurements taken for the purpose of monitoring shall be representative of~~ the monitored activity.

   b. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, for a period of at least three (3) years from the date of the sample, measurement report or application. This period may be extended by request of the Commissioner at any time.

   c. Records of monitoring information shall be recorded with indelible ink in a bound log book with pre-numbered pages and shall include:

      (1) The date, exact place, and time of sampling or measurement;
      (2) The individual(s) who performed the sampling or measurements;
      (3) The date(s) analyses were performed;
      (4) The individual(s) who performed the analyses;
      (5) The analytical techniques or methods used;
      (6) The quality assurance information specified in Part I of this permit; and
      (7) The results of such analyses.

   d. Monitoring shall be conducted according to test procedures approved under 40 CFR, Part 136.

e. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall upon conviction, under the Virgin Islands Water Pollution Control Act be punished by a fine of not more than $10,000, or by imprisonment for not more than six (6) months, or by both, or under the Clean Water Act be fined not more than $10,000 or imprisoned for not more than two (2) years.

11. Signatory requirements.

a. All permit applications shall be signed as follows:

(1) For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official, or other duly authorized employee.

(2) In any other case, by the individual duly authorized to act, as evidenced by documentation acceptable to the Commissioner.

b. All reports required by this permit, and other information requested by the Regional Administrator or Commissioner of DPNR pursuant to the terms of this permit, including DMRs and reports of noncompliance, shall be signed as follows:

(1) By a person described in subsection a, or by a duly authorized representative of that person.

(2) A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in subsection a.;

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company.

(c) The written authorization is submitted to the: Regional Administrator, as noted in Part I., section B.

(3) If a written authorization pursuant to subsection 11. b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph 11. b. must be submitted to the Regional Administrator and the Commissioner of DPNR prior to or together with any reports or information to be signed by an authorized representative.

c. Certification. Any person signing a document under subsection a. or b. shall make the following certification:

"I certify under penalty of the law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. Reporting Requirements

a. Planned changes. The Permittee shall give notice to the Regional Administrator and Commissioner of DPNR as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a"new source" in 40 CFR, Part 122.29(b); or

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification requirement applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part I.C.7, above.

b. Anticipated noncompliance. The Permittee shall give advance notice to the Regional Administrator and the Commissioner of DPNR of any planned changes in the facility or ~~activity which may result in noncompliance with permit requirements as soon as it~~ becomes aware of the circumstances.

c. Transfers

(1) This permit is not transferable to any person except after notice to the Regional Administrator and the Commissioner of DPNR. Except as provided in paragraph c.(2) below, a permit may be transferred by the existing Permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

(2) This permit may be automatically transferred to a new Permittee if:

(a) The existing Permittee notifies the Regional Administrator and the Commissioner of DPNR at least thirty (30) days in advance of the proposed transfer date in subparagraph (b);

(b) The notice contains a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(c) The Commissioner does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify or revoke and reissue the permit. (A modification under this paragraph may also be a minor modification under 40 CFR, Part 122.63.) If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subparagraph (b).

(3) If this permit is automatically transferred in accordance with the provisions of paragraph (2), the permit maybe modified to reflect the automatic transfer after its effective date.

d. Monitoring Reports.

(1) Monitoring results shall be reported at the intervals specified in Part I of this permit.

(2) Monitoring results shall be reported on a Discharge Monitoring Report (DMR).

(3) If the Permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(4) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

e. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim or final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

f. Twenty_four hour reporting.

(1) The following information shall be reported orally to the Regional Administrator at (212) 267-5000, the US EPA VI Coordinator's Office at (340) 714-2333 and the Commissioner of DPNR at (340) 774-3320 as soon as possible and at least within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances:

(a) Any noncompliance which may endanger health or the environment;

(b) Any unanticipated bypass (see 13 below) which violates any effluent limitation in the permit;

(c) Any upset (see 14 below) which violates any effluent limit in the permit; or

(d) The violation of a maximum daily discharge limitation for any of the pollutants listed in Part I of this permit is required to be reported within twenty-four (24) hours. This list includes any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.

(2) In addition to the oral twenty-four (24) hour report, the Permittee shall also provide a written submission to the Regional Administrator, the US EPA VI Coordinator, and the Commissioner of DPNR within five (5) days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description if the noncompliance and its cause; the period of noncompliance, including exact times and dates, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(3) Except with respect to written reports required under paragraph (1)(a) of subsection f. above, the Commissioner may waive the written report on a case by case basis if the oral report has been received within twenty_four (24) hours.

g. Public notification.

(1) The Permittee shall, in the event of a sewage bypass or upset with a duration of more than eight [8] hours:

(a) Furnish a copy of the notice of potential health risk, to a radio station serving the area affected as soon as possible, but in no event later than twenty-four [24] hours following the violation.

(b) Furnish a copy of the notice of potential health risk, to a television station serving the area affected as soon as possible, but in no event later than twenty-four [24] hours following the violation.

(c) Submit for publication a notice of potential health risk in a newspaper of general circulation in the area affected, as soon as possible, but in no event later than twenty-four [24] hours following the violation and continue daily publication for as long as the violation exists.

(d) Post a sign(s) in a conspicuous place in the area affected that will warn the public of the potential health risk, as soon as possible, but in no event later than twenty-four [24] hours following the violation. Posting shall continue for as long as the potential risk to health exists.

(e) In the event of a continuing sewage bypass lasting greater than forty-eight [48] hours, public notice shall be updated and reissued as outlined in (a), (b), and (c) above and every twenty four [24] hours of sewage bypassing thereafter.

(e) At the end of a continuing bypass lasting greater than eight [8] hours, public notice shall be issued by means of the same media listed in (a), (b), and (c) above, informing the public of the end of the bypass and the extent of remaining health risks, if any.

(2) The Permittee shall, in the event of an anticipated sewage bypass or upset, with a duration expected to last more than eight [8] hours, give the public notification, at least, one day in advance of the anticipated bypass or upset, consistent with the notice requirements contained in (a) through (d) of this section.

(3) The following public notice, properly, completed, shall be used in compliance with (1) and (2) of this section.

PUBLIC NOTICE

On *[date]* the *[Department or Company]* [has begun to/will] discharge [bypass] sewage into *[location/water body]* from the _____[pumping station/sewer line].
The reason for this discharge is *[state reason]*. This discharge will continue until *[date].*

Standing or running water in these areas may contain contaminants or pollutants harmful to human health. **As a result of such discharge, sewage is reaching the *[water body]*. The water quality of *[impacted water body]* will be tested by the Department of Planning and Natural Resources [DPNR]. This discharge may increase the bacteriological levels in the water at *[water body]*.** The public is advised to refrain from using the waters at *[water body]* until the problem is corrected and the public health concern has been alleviated. This includes activities such as fishing and bathing.

For additional information please call *[name and telephone number]*.

h. Other noncompliance. The Permittee shall report to the Regional Administrator and the Commissioner of DPNR of all instances of noncompliance not reported under subsections d, e, and f at the time the monitoring report covering the period of noncompliance is submitted. The reports shall contain the information listed in paragraph (2) of subsection f., above.

I. Other information. Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator or the Commissioner of DPNR, it shall promptly submit such facts or information to the Regional Administrator and the Commissioner of DPNR.

13. Bypassing.

a. Bypass not violating limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections 13.b. and 13.c. below.

b. Notice

(1) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(2) Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required in subsection f. of section 12 above.

c. Prohibition of bypass.

(1) Bypass is prohibited and the Commissioner may take enforcement action against a Permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There was no feasible alternatives to the bypass, such as auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or maintenance; and

(c) The Permittee submitted notices as required under subsection 13.b.

14. Upset.

a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology_based effluent limitations if the requirements of subsection b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the Permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated; and

(3) The Permittee submitted notice of the upset as required in subsection f. of section 12 above; and

(4) The Permittee complied with any remedial measures required under section 4 above (duty to mitigate).

(5) Burden of proof. In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Removed substances. Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters and/or the treatment of intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters. The following data shall be reported together with the monitoring data required in Part I, B.2.:

a. The sources of the materials to be disposed of;
b. The approximate volumes and weights;
c. The method by which they were removed and transported; and
d. Their final disposal locations.

16. Oil and hazardous substance liability. The imposition of responsibilities upon, or the institution of any legal action against the Permittee under section 311 of the Clean Water Act shall be in conformance with regulations promulgated pursuant to Section 311 to discharges from facilities with NPDES permits.

17. Reopener clause for toxic effluent limitations.

Notwithstanding any other condition of this permit, if any applicable toxic effluent standard or prohibition is promulgated under Section 301(b)(2)(C) and (d), 304(b)(2) and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, this permit shall be promptly modified or revoked and reissued to conform to that effluent standard or prohibition.

18. Availability of information.

a. NPDES permits, effluent data, and information required by NPDES application forms provided by the Commissioner under 40 CFR, Part 122.21 (including information submitted on the forms themselves and any attachments used to supply information required by the forms) shall be available for public inspection at the offices of the Regional Administrator and the Commissioner of DPNR.

b. In addition to the information set forth in subsection a. Any other information submitted to EPA in accordance with the conditions of this permit shall be made available to the public without further notice unless a claim of business confidentiality is asserted at the time of submission in accordance with the procedures in 40 CFR, Part 2 (Public Information).

c. If a claim of confidentiality is made for information other than that enumerated in subsection a., that information shall be treated in accordance with the procedures in 40 CFR Part 2. Only information determined to be confidential under those procedures shall not be made available by EPA for public inspection.

19. Severability. The Provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

C. EFFECTIVENESS OF PERMIT

1. This permit shall become effective in its entirety on the date indicated on the first page of this permit unless a request for a hearing is made in accordance with the provisions of 12 V.I.C. Section 188(c).

-END-